

**REMARKS****I. Status of the Claims**

Claims 1, 17, 24, and 30 are amended.

Claims 1-30 are pending.

**II. Amendments to Claims**

Support for claim amendments can be found throughout the specification, the drawings, and the original claims as filed. For example, support can be found on page 3, paragraph 00012; page 10, paragraphs 00038-40, and page 11, paragraph 00040.

**III. Claims 1-30 Satisfy 35 U.S.C §112 Requirements**

The pending claims satisfy the §112 requirements. The specification describes receptacles that include a tray whose slope can be adjusted or can have a fixed slope. For example, the tray shown in the illustrated embodiment in FIG. 2 is generally horizontal, wherein the slope can be adjusted. In contrast, a conical trough is not generally horizontal (e.g., Trail et al). One of the features of the present disclosure is that the receptacle is capable of receiving and transporting a constant body of liquid such that the waste material that falls on to the receptacle is washed away by the movement of the constant body of liquid. A person of ordinary skill in the art would readily understand what a generally horizontal receptacle refers to. A tray having a slope is considered to be within the scope of the phrase "generally horizontal" such the constant body of liquid flows in a generally horizontal direction and not in a vertical or acutely angular direction.

**III. Claims 1-2, 7-9, 16-18, 22-25, 28 and 29 are Not Anticipated by Trail (US Pat No. 4,181, 612)**

Claims 1, 17, 24, and 30 were previously amended to clarify that the receptacle is generally horizontal, defining an edge including a cavity. In addition, claims 1, 17, 24, and 30 are currently amended to refer to the constant body of liquid that the receptacle receives and transports.

Trail discloses a funnel-shaped trough. There is no mention of a receptacle including an edge and a cavity in Trail that permits passage therethrough of a liquid as disclosed in the present application.

Trail discloses a funnel-shaped sump or trough (10) as a receptacle to collect the waste and a spray head with orifices to spray water and remove the waste by a flushing action (column 3 lines 55 through column 4 line 45). Trail does not disclose that a constant body of liquid drains the waste material. Because Trail only discloses a funnel shaped trough, it cannot hold a constant body of liquid as described in Trail, whereas the present claims relate to a generally horizontal receptacle that can receive and hold a constant body of moving water to continuously drain the waste material. The generally horizontal receptacle in the present claims occupies less overall space, is more compact, and therefore is advantageous as compared to Trail trough.

To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently." *In re Schreiber*, 128 F.3d at 1477. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Brown v. 3M*, 265 F.3d 1349 (Fed. Cir. 2001).

Trail does not anticipate pending claims 1-2, 7-9, 16-18, 22-25, 28 and 29 under 35 U.S.C. § 102 (b). Applicant respectfully requests that the 102 (b) rejection be withdrawn and the pending claims be allowed.

**IV. Claims 1-3, 7-9, 11-12, 16-18, 22-25, and 29 are not Anticipated by Bunger (US 4,424,129)**

Bunger relates to dewatering apparatus for waste recovery systems. The platform (10) referred to in Bunger does not relate to the receptacle in the pending claims. The platform (10) in Bunger is provided for supporting food animals such as cattle, pigs (Col. 3, lines 1-4). The receptacle in the pending claims is not provided to support the animals. Instead, the receptacle receives a constant body of liquid and drains the waste material continuously.

Bunger does not disclose that a generally horizontal receptacle with an edge and defining a cavity is configured to permit passage therethrough of a constant body of liquid and the waste and that the receptacle is configured to receive the liquid and waste into the cavity and to discharge over the edge the liquid and the waste from the cavity.

Thus, Bunger does not anticipate claims 1-3,7-9, 11-12, 16-18, 22-25, and 29.

**IV. Claims 10-15, 19-21, 26-27 and 30 are not Obvious Over Trail et al.**

Trail is discussed above. Trail discloses a funnel-shaped sump or trough (10) as a receptacle to collect the waste and a spray head with orifices to spray water and remove the waste by a flushing action (column 3 lines 55 through column 4 line 45). Trail does not disclose or suggest that a constant body of liquid drains the waste material in a generally horizontal receptacle. Because Trail only discloses a funnel shaped trough, it teaches away from being able to hold a constant body of liquid. Trail does not suggest or disclose that a conical or funnel shaped trough hold a constant body of water so that the continuous movement of the liquid drains the waste material. The present claims, however, relate to a generally horizontal receptacle that can receive and hold a constant body of moving water to continuously drain the waste material. The generally horizontal receptacle in the present claims occupies less overall space, is more compact, and therefore is advantageous as compared to Trail trough.

Based on the foregoing discussion of Trail, because Trail does not teach a waste containment system as disclosed in the present application, the applicant respectfully requests that the 103 (a) rejection be withdrawn.

**IV. Claims 4-6 are not Obvious Over Trail et al. in view of Niki (US 4,448,152)**

Trail is discussed above. Trail even in combination with Niki does not disclose all the limitations claims 4-6. Trail does not disclose a tray with 3 sides and a slope. Niki does not teach that the tray can hold a constant body of liquid.

There is no motivation in either Trail or Niki to combine the two references. Nike does not teach a waste animal waste containment system and Trail does not suggest a need for any other type or shape of the trough. There is no evidence that the space (4) described in Niki would work with the spray and nozzle structures described in Trail.

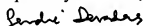
To properly combine two references to reach a conclusion of obviousness, there must be some teaching, suggestion or inference in either or both of the references, or knowledge generally available to one skilled in the art, which would have led one to combine the relevant teachings of the two references. *Ashland Oil, Inc. v. Delta Resins and Refractories, Inc. et al.* (CAFC 1985) 776 F. 2d 281, 227 USPQ 657. There is no motivation or suggestion in Trail to combine Niki. Even if Niki, were combined with Trail, the resulting apparatus still would not render claims 4-6 obvious. Trail does not disclose a tray and the space (4) disclosed by Niki is merely to remove filth and is not configured to receive a constant body of liquid and waste into a cavity of the tray and to discharge the liquid and the waste from the cavity over an edge of the tray as in pending claims 4-6. Therefore, claims 4-6 are non-obvious over Trail in view of Niki.

#### **V. Conclusion**

Applicant respectfully requests that the pending claims be allowed. If a telephone interview will clarify some of the issues and expedite the prosecution, the applicant welcomes the Examiner to contact the applicant's representative at 312-338-5921.

No other fees are believed due at this time, however, please charge any additional deficiencies or credit any overpayments to deposit account number 12-0913 with reference to our attorney docket number (35049/95382).

Respectfully submitted,



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